

Appl. No. 09/995,726
Amendment dated August 31, 2005
Reply to Office Action of June 6, 2005

Remarks/Arguments

Claims 1-21 are pending and stand rejected on varying grounds under §102(e) and 103(a) and claim 18 has been objected to due to an informality.

Claim 19 has been amended to resolve an antecedent basis formality. No claims have been canceled or added and no new matter has been added by any amendments.

In view of the comments below, Applicant respectfully requests that the Examiner reconsider the present application including claims 1-21 and withdraw the objection to and rejection of these claims.

a) Claim 18 is objected to because of the following informalities: the "step of programming" should be "step of providing" to correspond to antecedent basis for claim 19. Appropriate correction is required.

Applicant has reviewed this issue and believes that the amendment to claim 19 resolves the informality. In view of the amendment to claim 19, the Examiner is respectfully requested to reconsider and withdraw this objection to claim 18.

b) Claims 1-8 and 10 stand rejected under 35 U.S.C. 102(e) as being anticipated by Sallinen et al (US Pat. No.6,807,417).

Claim 1 is in independent form with claims 2-8 and 10 dependent thereon.

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Sallinen et al is a US Patent that issued on October 19, 2004, was published on August 8, 2002, and was filed on January 9, 2002 as a continuation of an International Application (IA). The present application was filed on November 29, 2001. Thus Sallinen et al is prior art if at all only under 102(e).

Sallinen et al claims priority from an IA (PCT/EP99/05064) that was filed on July 15, 1999. Since the IA was filed before November 29, 2000, the 102(e) date for the corresponding US Patent is the 371(c) date, i.e., January 9, 2002. Since the 102(e) date for Sallinen et al is later than the filing date for the present application, i.e., after the invention by the Applicant, Sallinen et al is not a proper reference to support a rejection under 35 U.S.C. 102(e).

Therefore and at least in view of the improper reference, Applicant respectfully requests that the Examiner reconsider and withdraw this rejection of claims 1-8 and 10 under 35 U.S.C. 102(e) based on Sallinen et al (US Pat. No. 6,807,417).

c) Claims 9, and 11-21 stand rejected under 35 U.S.C. 103(a) as being unpatentable over Sallinen et al in view of Amity et al (US Pat. No. 5,684,801).

As noted above Sallinen applies as prior art if at all only under 102(e). From the analysis above Sallinen et al is not a proper reference under 102(e) and thus Sallinen et al is not a proper reference to support a 103(a) rejection.

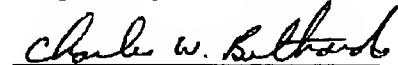
At least in view of this observation, Applicant respectfully requests that the Examiner reconsider and withdraw the rejection of claims 9, and 11-21 under 35 U.S.C. 103(a) as being unpatentable over Sallinen et al in view of Amity et al (US Pat. No. 5,684,801).

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Accordingly, Applicant respectfully submits that the claims, as amended, clearly and patentably distinguish over the cited reference of record and as such are to be deemed allowable. Such allowance is hereby earnestly and respectfully solicited at an early date. If the Examiner has any suggestions or comments or questions, calls are welcomed at the phone number below.

Although it is not anticipated that any fees are due or payable, the Commissioner is hereby authorized to charge any fees that may be required to Deposit Account No. **50-3435**.

Respectfully submitted,



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